

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 798

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Allen, Fuller, Hertzberg, Hueso,
Jackson, Monning, Stone, and Wolk)**

March 18, 2015

An act to amend Section 338 of the Code of Civil Procedure, to amend Sections 205.1, 714, 1050.8, 1053.5, 1055.1, 1056, 1059, 1764, 3050, 7149.2, 7149.3, 7150, 7860, 12002.2.1, 12153, and 13005 of, and to repeal Sections 1053, 1055, 1055.4, 1055.5, 1060, 1070, 3682, 3700, 6596, 7149, 7149.4, 7180 7181, 7182, 7183, 7184, and 7186 of, the Fish and Game Code, to amend Section 113 of the Government Code, to amend Sections 741, 8301, and 30315 of, and to repeal Section 30310.5 of, the Public Resources Code, and to amend Sections 1026, 1055, 1228.1, 1228.2, 1228.3, 1228.6, 1229, 1229.1, 1243, 1260, 1427, 1430, 1437, 1440, 1701.2, 1703, 1726, 1727, 1736, and 2863 of, and to repeal Sections 1126.2 and 2866 of, the Water Code, relating to ~~water~~ natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 798, as amended, Committee on Natural Resources and Water. ~~Water~~ Natural resources.

(1) Existing law authorizes the Fish and Game Commission to establish, by regulation, an automatic process to conform its sport fishing regulations to federal regulations.

This bill would clarify that specified laws relating to administrative regulations and rulemaking do not apply to the conforming action implemented pursuant to the automatic process described above.

An existing regulation defines the Automated License Data System as an automated system that replaces the Department of Fish and Wildlife's paper license inventory system. Existing law generally prohibits a person from obtaining from the department more than one license, permit, reservation, or other entitlement of the same class, or more than the number of tags authorized by law, as provided, except under certain conditions. Existing law authorizes a person, as provided, to submit an application to the department, to be a license agent to issue licenses, permits, reservations, tags, and other entitlements. Existing law requires these authorized license agents to remit to the department the specified fees for these licenses, permits, reservations, tags, and other entitlements, as provided. Existing law authorizes the department to accept from any authorized license agent an affidavit for settlement of its account in lieu of licenses, permits, reservations, tags, and other entitlements that have been lost or destroyed if the license agent meets specified criteria. Existing law provides that the above provisions and various other provisions apply only to those licenses, permits, reservations, tags, or other entitlements that are not issued through the Automated License Data System.

This bill would delete those provisions and would make conforming changes.

(2) Existing law provides that the sovereignty and jurisdiction of the state extends to all places within its boundaries, as established by the Constitution. Existing law provides that the extent of the jurisdiction over places that have been or may be ceded to, purchased, or condemned by the United States is qualified by the terms of the cession or the laws under which the purchase or condemnation is made. Existing law provides that the state has accepted the retrocession of jurisdiction over certain lands, including the Presidio in the City and County of San Francisco.

Existing law provides that the Legislature consents to the retrocession of jurisdiction by the United States over land within the state, subject to certain conditions, including that the State Lands Commission holds a hearing to determine whether acceptance of the retrocession is in the best interest of the state.

This bill would provide that the Legislature, acting through the State Lands Commission, consents to the retrocession of jurisdiction by the United States over land within the state subject to additional conditions, including that a notice of the proposed retrocession has been given to the clerk for the board of supervisors of the county in which the federal

lands are located, as provided, and that the United States has agreed to bear all costs and expenses incurred by the State Lands Commission in making the retrocession. The bill would also require the acceptance of the retrocession to be made at a publicly noticed meeting of the commission.

Existing law requires, among other things, the commission to make rules and regulations governing the conditions and procedures of the hearings on retrocession.

This bill would delete these requirements.

Existing law authorizes the Governor to convey certain state lands to the United States for the site of a lighthouse, beacon, or other aid to navigation. Existing law provides that after the conveyance, the United States has jurisdiction over the tract, subject to the right of the state to have concurrent jurisdiction, as provided.

This bill would delete that provision.

(3) Existing law requires the State Board of Forestry and Fire Protection to appoint a Range Management Advisory Committee and requires 2 members on the board to be from the general public, as provided, and for one member to be nominated by the Watershed Fire Council of Southern California.

This bill would instead require 3 members to be from the general public, as provided, and would delete the nomination from the Watershed Fire Council of Southern California.

(4) Existing law requires the California Coastal Commission to meet at least once a month at a place convenient to the public.

This bill would require the commission to instead meet at least 10 times annually.

Existing law provides that no law precludes or prevents the appointment, as a public member, to the commission of any person who is not a locally elected official.

This bill would delete that provision.

~~(1)~~

(5) Existing law declares that the diversion or use of water other than as authorized by specified provisions of law is a trespass. Existing law authorizes the executive director of the State Water Resources Control Board to issue a complaint to a person who violates certain use and diversion of water provisions and subjects the violator to administrative civil liability. Existing law requires that the complaint be served by personal notice or certified mail and inform the party served that the

party may request a hearing not later than 20 days from the date the party was served.

This bill would specify that the board is authorized to adopt an order setting administrative civil liability based on the allegations set forth in the complaint without a hearing, unless a written request for a hearing signed by, or on behalf of, the party served with the complaint is delivered to or received by mail by the board within 20 days after receipt of the complaint.

(2)

(6) Existing law allows a person to apply for, and the board to issue, a temporary permit for diversion and use of water, subject to certain restrictions. Existing law allows a permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use to petition for, and the board to issue, a temporary change order, subject to certain restrictions.

This bill would authorize a temporary permit or a temporary change order to set monitoring, reporting, or mitigation requirements that apply before or after the authorization to divert or use water under the temporary permit or temporary change order.

(3)

(7) Existing law requires the board, prior to adopting other general conditions for small irrigation use, and no later than June 30, 2012, to adopt general conditions for small irrigation use for facilities used for frost protection in a prescribed area, unless the board determines that sufficient funds are not available for that purpose.

This bill would eliminate this provision.

(4)

(8) Existing law provides that moneys in the Water Resources Control Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of Finance without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making water rights determinations.

This bill would provide that moneys in the fund may be drawn from the State Treasury, upon appropriation by the Legislature, and used by the board in paying costs of making water rights determinations.

Existing law requires the Department of Finance to review the status of the fund to determine whether there are excess amounts of money not needed to carry out these provisions and, if there are excess amounts of money, to notify the Controller to transfer the excess money to the General Fund.

This bill would repeal these provisions.

(5)

(9) This bill would make various nonsubstantive changes, including repealing obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 338 of the Code of Civil Procedure is
2 amended to read:

3 338. Within three years:

4 (a) An action upon a liability created by statute, other than a
5 penalty or forfeiture.

6 (b) An action for trespass upon or injury to real property.

7 (c) (1) An action for taking, detaining, or injuring ~~any~~ goods
8 or chattels, including actions for the specific recovery of personal
9 property.

10 (2) The cause of action in the case of theft, as described in
11 Section 484 of the Penal Code, of ~~any~~ an article of historical,
12 interpretive, scientific, or artistic significance is not deemed to
13 have accrued until the discovery of the whereabouts of the article
14 by the aggrieved party, his or her agent, or the law enforcement
15 agency that originally investigated the theft.

16 (3) (A) Notwithstanding paragraphs (1) and (2), an action for
17 the specific recovery of a work of fine art brought against a
18 museum, gallery, auctioneer, or dealer, in the case of an unlawful
19 taking or theft, as described in Section 484 of the Penal Code, of
20 a work of fine art, including a taking or theft by means of fraud or
21 duress, shall be commenced within six years of the actual discovery
22 by the claimant or his or her agent, of both of the following:

23 (i) The identity and the whereabouts of the work of fine art. In
24 the case where there is a possibility of misidentification of the
25 object of fine art in question, the identity can be satisfied by the
26 identification of facts sufficient to determine that the work of fine
27 art is likely to be the work of fine art that was unlawfully taken or
28 stolen.

29 (ii) Information or facts that are sufficient to indicate that the
30 claimant has a claim for a possessory interest in the work of fine
31 art that was unlawfully taken or stolen.

1 (B) ~~The provisions of this~~ *This* paragraph shall apply to all
2 pending and future actions commenced on or before December
3 31, 2017, including ~~any actions~~ *an action* dismissed based on the
4 expiration of statutes of limitation in effect prior to the date of
5 enactment of this statute if the judgment in that action is not yet
6 final or if the time for filing an appeal from a decision on that
7 action has not expired, provided that the action concerns a work
8 of fine art that was taken within 100 years prior to the date of
9 enactment of this statute.

10 (C) For purposes of this paragraph:

11 (i) “Actual discovery,” notwithstanding Section 19 of the Civil
12 Code, does not include ~~any~~ constructive knowledge imputed by
13 law.

14 (ii) “Auctioneer” means ~~any~~ *an* individual who is engaged in,
15 or who by advertising or otherwise holds himself or herself out as
16 being available to engage in, the calling for, the recognition of,
17 and the acceptance of, offers for the purchase of goods at an auction
18 as defined in subdivision (b) of Section 1812.601 of the Civil Code.

19 (iii) “Dealer” means a person who holds a valid seller’s permit
20 and who is actively and principally engaged in, or conducting the
21 business of, selling works of fine art.

22 (iv) “Duress” means a threat of force, violence, danger, or
23 retribution against an owner of the work of fine art in question, or
24 his or her family member, sufficient to coerce a reasonable person
25 of ordinary susceptibilities to perform an act that otherwise would
26 not have been performed or to acquiesce to an act to which he or
27 she would otherwise not have acquiesced.

28 (v) “Fine art” has the same meaning as defined in paragraph (1)
29 of subdivision (d) of Section 982 of the Civil Code.

30 (vi) “Museum or gallery” shall include any public or private
31 organization or foundation operating as a museum or gallery.

32 (4) Section 361 shall not apply to an action brought pursuant to
33 paragraph (3).

34 (5) A party in an action to which paragraph (3) applies may
35 raise all equitable and legal affirmative defenses and doctrines,
36 including, without limitation, laches and unclean hands.

37 (d) An action for relief on the ground of fraud or mistake. The
38 cause of action in that case is not deemed to have accrued until
39 the discovery, by the aggrieved party, of the facts constituting the
40 fraud or mistake.

1 (e) An action upon a bond of a public official except any cause
2 of action based on fraud or embezzlement is not deemed to have
3 accrued until the discovery, by the aggrieved party or his or her
4 agent, of the facts constituting the cause of action upon the bond.

5 (f) (1) An action against a notary public on his or her bond or
6 in his or her official capacity except that ~~any~~ a cause of action
7 based on malfeasance or misfeasance is not deemed to have accrued
8 until discovery, by the aggrieved party or his or her agent, of the
9 facts constituting the cause of action.

10 (2) Notwithstanding paragraph (1), an action based on
11 malfeasance or misfeasance shall be commenced within one year
12 from discovery, by the aggrieved party or his or her agent, of the
13 facts constituting the cause of action or within three years from
14 the performance of the notarial act giving rise to the action,
15 whichever is later.

16 (3) Notwithstanding paragraph (1), an action against a notary
17 public on his or her bond or in his or her official capacity shall be
18 commenced within six years.

19 (g) An action for slander of title to real property.

20 (h) An action commenced under Section 17536 of the Business
21 and Professions Code. The cause of action in that case shall not
22 be deemed to have accrued until the discovery by the aggrieved
23 party, the Attorney General, the district attorney, the county
24 counsel, the city prosecutor, or the city attorney of the facts
25 constituting grounds for commencing the action.

26 (i) An action commenced under the Porter-Cologne Water
27 Quality Control Act (Division 7 (commencing with Section 13000)
28 of the Water Code). The cause of action in that case shall not be
29 deemed to have accrued until the discovery by the State Water
30 Resources Control Board or a regional water quality control board
31 of the facts constituting grounds for commencing actions under
32 their jurisdiction.

33 (j) An action to recover for physical damage to private property
34 under Section 19 of Article I of the California Constitution.

35 (k) An action commenced under Division 26 (commencing with
36 Section 39000) of the Health and Safety Code. These causes of
37 action shall not be deemed to have accrued until the discovery by
38 the State Air Resources Board or by a district, as defined in Section
39 39025 of the Health and Safety Code, of the facts constituting
40 grounds for commencing the action under its jurisdiction.

1 (l) An action commenced under Section ~~1603.1~~ 1602, 1615, or
2 5650.1 of the Fish and Game Code. These causes of action shall
3 not be deemed to have accrued until discovery by the agency
4 bringing the action of the facts constituting the grounds for
5 commencing the action.

6 (m) An action challenging the validity of the levy upon a parcel
7 of a special tax levied by a local agency on a per parcel basis.

8 (n) An action commencing under Section 51.7 of the Civil Code.

9 *SEC. 2. Section 205.1 of the Fish and Game Code is amended*
10 *to read:*

11 205.1. (a) The commission may establish by regulation an
12 automatic process to conform its sport fishing regulations to federal
13 regulations.

14 (b) *Chapter 3.5 (commencing with Section 11340) of Part 1 of*
15 *Division 3 of Title 2 of the Government Code shall not apply to*
16 *conforming actions implemented pursuant to the automatic process*
17 *specified in subdivision (a).*

18 ~~(b)~~
19 (c) The department shall provide public notice of ~~any~~ a
20 conforming action implemented pursuant to this section.

21 *SEC. 3. Section 714 of the Fish and Game Code is amended*
22 *to read:*

23 714. (a) In addition to Section 3031, 3031.2, ~~7149~~, 7149.05,
24 or 7149.2 and notwithstanding Section 3037, the department shall
25 issue lifetime sportsman's licenses pursuant to this section. A
26 lifetime sportsman's license authorizes the taking of birds,
27 mammals, fish, reptiles, or amphibia anywhere in this state in
28 accordance with law for purposes other than profit for the life of
29 the person to whom issued unless revoked for a violation of this
30 code or regulations adopted pursuant to this code. A lifetime
31 sportsman's license is not transferable. A lifetime sportsman's
32 license does not include any special tags, stamps, or other
33 entitlements.

34 (b) A lifetime sportsman's license may be issued to residents,
35 as follows:

36 (1) To a person 62 years of age or over upon payment of a base
37 fee of seven hundred thirty dollars (\$730).

38 (2) To a person 40 years of age or over and less than 62 years
39 of age upon payment of a base fee of one thousand eighty dollars
40 (\$1,080).

1 (3) To a person 10 years of age or over and less than 40 years
2 of age upon payment of a base fee of one thousand two hundred
3 dollars (\$1,200).

4 (4) To a person less than 10 years of age upon payment of a
5 base fee of seven hundred thirty dollars (\$730).

6 (c) This section does not require a person less than 16 years of
7 age to obtain a license to take fish, reptiles, or amphibia for
8 purposes other than profit or to obtain a license to take birds or
9 mammals, except as required by law.

10 (d) This section does not exempt an applicant for a license from
11 meeting other qualifications or requirements otherwise established
12 by law for the privilege of sport hunting or sport fishing.

13 (e) Upon payment of a base fee of four hundred forty-five dollars
14 (\$445), a person holding a lifetime hunting license or lifetime
15 sportsman's license shall be issued annually one deer tag
16 application pursuant to subdivision (a) of Section 4332 and five
17 wild pig tags issued pursuant to Section 4654. Lifetime privileges
18 issued pursuant to this subdivision are not transferable.

19 (f) Upon payment of a base fee of two hundred ten dollars
20 (\$210), a person holding a lifetime hunting license or lifetime
21 sportsman's license shall be entitled annually to the privileges
22 afforded to a person holding a state duck stamp or validation issued
23 pursuant to Section ~~3700~~ or 3700.1 and an upland game bird stamp
24 or validation issued pursuant to Section ~~3682~~ or 3682.1. Lifetime
25 privileges issued pursuant to this subdivision are not transferable.

26 (g) The base fees specified in this section are applicable
27 commencing January 1, 2004, and shall be adjusted annually
28 thereafter pursuant to Section 713.

29 (h) The commission shall adjust the amount of the fees specified
30 in subdivision (g), as necessary, to fully recover, but not exceed,
31 all reasonable administrative implementation costs of the
32 department and the commission relating to those licenses.

33 *SEC. 4. Section 1050.8 of the Fish and Game Code is amended*
34 *to read:*

35 1050.8. (a) The department may issue collectible,
36 commemorative licenses to any person for purposes of promoting
37 and supporting licensed hunting, fishing, and resource conservation,
38 subject to all of the following:

39 (1) A commemorative license may be designed and produced
40 as the department may determine and shall be clearly marked and

1 identified as a commemorative license, rendering it invalid for the
2 take of any mammal, bird, fish, reptile, or amphibian.

3 (2) A commemorative license shall not confer any rights,
4 privileges, or other entitlements to any person purchasing or in
5 possession of such a license.

6 (3) Subdivision (a) of Section 1052, ~~Section 1053, 1053.1,~~
7 Article 2 (commencing with Section 3031) of Chapter 1 of Part 1
8 of Division 4, and Article 3 (commencing with Section 7145) of
9 Chapter 1 of Part 2 of Division 6 do not apply to the purchase of
10 a commemorative license. A commemorative license shall not
11 qualify as evidence required in subdivision (a) of Section 3050.

12 (b) All funds derived from the sale of commemorative licenses
13 shall be deposited in the Fish and Game Preservation Fund.

14 *SEC. 5. Section 1053 of the Fish and Game Code is repealed.*

15 ~~1053. (a) A person shall not obtain more than one license,~~
16 ~~permit, reservation, or other entitlement of the same class, or more~~
17 ~~than the number of tags authorized by statute or regulation for the~~
18 ~~same license year, except under one of the following conditions:~~

19 ~~(1) Nonresident hunting licenses issued pursuant to paragraphs~~
20 ~~(4) and (5) of subdivision (a) of Section 3031, and short-term sport~~
21 ~~fishing licenses issued pursuant to paragraphs (3), (4), and (5) of~~
22 ~~subdivision (a) of Section 7149, and paragraphs (3), (4), and (5)~~
23 ~~of subdivision (a) of Section 7149.05.~~

24 ~~(2) The loss or destruction of an unexpired license, tag, permit,~~
25 ~~reservation, or other entitlement, except a stamp or endorsement,~~
26 ~~as certified by the applicant's signed affidavit and proof, as~~
27 ~~determined by the department, that the original license, tag, permit,~~
28 ~~reservation, or other entitlement was issued, and payment of a base~~
29 ~~fee of five dollars (\$5). The base fee shall be adjusted annually~~
30 ~~pursuant to Section 713, not to exceed the fee for the original~~
31 ~~entitlement, as follows:~~

32 ~~(A) The adjustment shall apply to the hunting license years~~
33 ~~commencing on or after July 1, 1996.~~

34 ~~(B) The adjustment shall apply to the fishing license years~~
35 ~~commencing on or after January 1, 1996.~~

36 ~~(b) This section does not apply to licenses, permits, reservations,~~
37 ~~tags, or other entitlements issued through the Automated License~~
38 ~~Data System.~~

39 *SEC. 6. Section 1053.5 of the Fish and Game Code is amended*
40 *to read:*

1 1053.5. Applicants for hunting licenses pursuant to subdivision
2 (a) of Section ~~1053~~ 1053.1 shall first satisfactorily complete a
3 hunter education equivalency examination and obtain a certificate
4 of equivalency as provided by regulations adopted by the
5 commission, or show proof of completion of a hunter education
6 training course, or show a previous year's hunting license.

7 *SEC. 7. Section 1055 of the Fish and Game Code is repealed.*

8 ~~1055. (a) Any person, except a commissioner, officer, or~~
9 ~~employee of the department, may submit an application to the~~
10 ~~department, to be a license agent to issue licenses, permits,~~
11 ~~reservations, tags, and other entitlements.~~

12 ~~(b) A person shall only be authorized to be a license agent to~~
13 ~~issue licenses, permits, reservations, tags, and other entitlements,~~
14 ~~upon the written approval of the department.~~

15 ~~(c) The department may consign licenses, permits, reservations,~~
16 ~~tags, and other entitlements to authorized license agents.~~

17 ~~(d) The department may provide licenses, permits, reservations,~~
18 ~~tags, or other entitlements to authorized license agents and shall~~
19 ~~collect prior to delivery an amount equal to the fees for all licenses,~~
20 ~~permits, reservations, tags, and other entitlements that are provided.~~
21 ~~Any license agent who pays the fees prior to delivery for licenses,~~
22 ~~permits, reservations, tags, or other entitlements is exempt from~~
23 ~~subdivisions (a) and (d) of Section 1055.5 and Sections 1056,~~
24 ~~1057, and 1059. Any licenses, permits, reservations, tags, or other~~
25 ~~entitlements provided pursuant to this subdivision that remain~~
26 ~~unissued at the end of the license year may be returned to the~~
27 ~~department for refund or credit, or a combination thereof within~~
28 ~~six months of the item expiration date. No credit may be allowed~~
29 ~~after six months following the last day of the license year.~~

30 ~~(e) Licenses, permits, reservations, tags, and other entitlements~~
31 ~~may only be provided to authorized license agents that are in~~
32 ~~compliance with all laws, regulations, and policies governing the~~
33 ~~sale and reporting of licenses, permits, reservations, tags, and other~~
34 ~~entitlements.~~

35 ~~(f) Authorized license agents shall add a handling charge to the~~
36 ~~fees prescribed in this code or in regulations adopted pursuant to~~
37 ~~this code for licenses, permits, reservations, tags, and other~~
38 ~~entitlements issued by the license agent in an amount that is 5~~
39 ~~percent of the face value of the item rounded to the nearest five~~
40 ~~cents (\$0.05).~~

~~(g) The handling charge added pursuant to subdivision (f) shall be incorporated into the total amount collected for issuing any license, permit, reservation, tag, and other entitlement, but the handling charge may not be included when determining license fees in accordance with Section 713. License agents may issue any license, permit, reservation, tag, and other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued.~~

~~(h) The handling charge in subdivision (f) is the license agent's only compensation for services. The license agent shall not be entitled to any other additional fee or charge for issuing licenses, permits, reservations, tags, and other entitlements authorized pursuant to this section.~~

~~(i) The department may designate a nonprofit organization, organized pursuant to the laws of this state, or the California chapter of a nonprofit organization, organized pursuant to the laws of another state, as a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's licenses under this subdivision is exempt from subdivisions (f) and (h). The license agent shall remit to the department the fees from the sale of lifetime licenses, as defined in Sections 714, 3031.2, and 7149.2.~~

~~(j) At any single business location, a license agent shall issue all items from a single book before commencing to issue licenses, permits, reservations, tags, or other entitlements of the same series from another book.~~

~~(k) License agents that receive licenses, permits, reservations, tags, and other entitlements pursuant to subdivision (c) shall return all unissued and expired licenses, permits, reservations, tags, and other entitlements to the department within 20 days following the last day of the license year. Any unissued and expired license, permit, reservation, tag, or other entitlement that is not returned within 60 days following the last day of the license year shall be~~

1 billed to the license agent. Licenses, permits, reservations, tags,
2 and other entitlements may be returned for credit after the 60 days;
3 however, the license agent shall pay interest and penalties on any
4 sold licenses, permits, reservations, tags, and other entitlements
5 as prescribed in subdivision (b) of Section 1059. No credit may
6 be allowed after six months following the last day of the license
7 year.

8 ~~(f) This section does not apply to licenses, permits, reservations,~~
9 ~~tags, or other entitlements issued through the Automated License~~
10 ~~Data System.~~

11 *SEC. 8. Section 1055.1 of the Fish and Game Code is amended*
12 *to read:*

13 1055.1. (a) Any person, except a commissioner, officer, or
14 employee of the department, may submit an application to the
15 department to be a license agent to issue licenses, permits,
16 reservations, tags, or other entitlements.

17 (b) A person shall only be authorized to be a license agent to
18 issue licenses, permits, reservations, tags, and other entitlements,
19 upon the written approval of the department.

20 (c) The department may provide licenses, permits, reservations,
21 tags, or other entitlements to authorized license agents and shall
22 collect, prior to delivery, an amount equal to the fees for all
23 licenses, permits, reservations, tags and other entitlements
24 provided. Any license agent who pays the fees prior to delivery
25 for licenses, permits, reservations, tags, or other entitlements is
26 exempt from ~~subdivisions (a) and (e) of Section 1055.5 and~~
27 Sections 1056, 1057, and 1059. Any licenses, permits, reservations,
28 tags, or other entitlements provided pursuant to this subdivision
29 that remain unissued at the end of the license year may be returned
30 to the department for refund or credit, or a combination thereof,
31 within six months of the item expiration date. No credit may be
32 allowed after six months following the last day of the license year.

33 (d) Authorized license agents shall add a handling charge to the
34 fees prescribed in this code or in regulations adopted pursuant to
35 this code for any license, permit, reservation, tag, and other
36 entitlement issued by the license agent in an amount that is 5
37 percent of the face value of the item rounded to the nearest five
38 cents (\$0.05).

39 (e) The handling charge added pursuant to subdivision (d) shall
40 be incorporated into the total amount collected for issuing the

1 license, permit, reservation, tag, and other entitlement, but the
2 handling charge shall not be included when determining license
3 fees in accordance with Section 713. A license agent may issue
4 any license, permit, reservation, tag, or other entitlement for any
5 amount up to 10 percent less than the fee prescribed in this code
6 or in regulations adopted pursuant to this code. The license agent
7 shall remit to the department the full amount of the fees as
8 prescribed in this code or in regulations adopted pursuant to this
9 code for all licenses, permits, reservations, tags, and other
10 entitlements issued.

11 (f) The handling charge required by subdivision (d) is the license
12 agent's only compensation for services. The license agent shall
13 not be entitled to any other additional fee or charge for issuing any
14 license, permit, reservation, tag, or other entitlement authorized
15 pursuant to this section.

16 (g) The department may designate a nonprofit organization,
17 organized pursuant to the laws of this state, or the California
18 chapter of a nonprofit organization, organized pursuant to the laws
19 of another state, as a license agent for the sale of lifetime licenses
20 issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses
21 may be sold by auction or by other methods and are not subject to
22 the fee limitations prescribed in this code. An agent authorized to
23 issue lifetime sport fishing licenses, lifetime hunting licenses, and
24 lifetime sportsman's licenses under this subdivision is exempt
25 from subdivisions (d) and (f). The license agent shall remit to the
26 department the fees from the sale of lifetime licenses as defined
27 in Sections 714, 3031.2, and 7149.2.

28 (h) This section applies only to licenses, permits, reservations,
29 tags, and other entitlements issued through the Automated License
30 Data System.

31 *SEC. 9. Section 1055.4 of the Fish and Game Code is repealed.*

32 ~~1055.4. Any person authorized pursuant to Section 1055 who~~
33 ~~submits a check or money order for payment of licenses, permits,~~
34 ~~reservations, tags, and other entitlements that is returned unpaid~~
35 ~~by the bank or financial institution it was drawn upon shall be~~
36 ~~required to pay a fee of thirty dollars (\$30), plus any penalty and~~
37 ~~interest charges, as defined in Section 1059.~~

38 *SEC. 10. Section 1055.5 of the Fish and Game Code is*
39 *repealed.*

1 ~~1055.5. (a) Except as provided in subdivision (b) or (c), each~~
2 ~~authorized license agent who receives licenses, permits,~~
3 ~~reservations, tags, and other entitlements, pursuant to subdivision~~
4 ~~(e) of Section 1055, shall remit to the department the fees~~
5 ~~prescribed in this code or in regulations adopted pursuant to this~~
6 ~~code for all licenses, permits, reservations, tags, and other~~
7 ~~entitlements issued in each calendar month not later than 20 days~~
8 ~~following the last day of that calendar month. The transmittal of~~
9 ~~the fees to the department shall be accompanied with an accounting~~
10 ~~report on forms provided by the department of all licenses, permits,~~
11 ~~reservations, tags, and other entitlements issued during the~~
12 ~~preceeding month.~~

13 ~~(b) A license agent is not required to remit the fees for a book~~
14 ~~of licenses, permits, reservations, tags, or other entitlements in any~~
15 ~~month if, on the last day of the preceeding month, all items in that~~
16 ~~single book provided for issuance at a single business location are~~
17 ~~not issued or expired. If, however, all items in that book are issued~~
18 ~~or expired, the license agent shall remit the fees for that book and~~
19 ~~transmit the accounting report in accordance with the requirements~~
20 ~~of this section.~~

21 ~~(c) The license agent may retain not more than fifteen cents~~
22 ~~(\$0.15) of the fee received for each Colorado River special use~~
23 ~~stamp issued pursuant to Section 7180 as compensation for~~
24 ~~services. The license agent shall remit to the department the fees~~
25 ~~prescribed by Section 7180, less any amounts retained under this~~
26 ~~subdivision, for all Colorado River special use stamps issued. The~~
27 ~~license agent shall remit the net fees with an accounting report as~~
28 ~~prescribed in subdivision (a).~~

29 ~~(d) Except as provided in subdivision (c), any fee remittance~~
30 ~~and accounting report not transmitted to the department within 30~~
31 ~~days following the last day of each calendar month is delinquent,~~
32 ~~and fees due are subject to interest and penalties prescribed in~~
33 ~~subdivision (b) of Section 1059. Interest and penalties shall be~~
34 ~~computed beginning 21 days following the last day of the calendar~~
35 ~~month in which the fees were collected.~~

36 ~~(e) This section does not apply to licenses, permits, reservations,~~
37 ~~tags, or other entitlements issued through the Automated License~~
38 ~~Data System.~~

39 ~~SEC. 11. Section 1056 of the Fish and Game Code is amended~~
40 ~~to read:~~

~~1056. (a) Authorized license agents who receive licenses, permits, reservations, tags, and other entitlements pursuant to subdivision (c) of Section 1055 may be required to execute, in favor of the department, a bond, payable to the department, in a sum determined by the department. The bond shall secure the accurate accounting and payment to the department of the funds collected and the performance of the duties imposed upon the license agent by this article.~~

~~(b) Any~~
1056. A license agent who fails to transmit the fees or accounting reports required by Section ~~1055.5 or 1055.6~~ not later than 60 days following the due date as specified by the department may be required to ~~provide a bond pursuant to subdivision (a) in order to continue as a license agent. execute, in favor of the department, a bond, payable to the department, in a sum determined by the department in order to continue as a license agent. The bond shall secure the accurate accounting and payment to the department of the funds collected and the performance of the duties imposed upon the license agent by this article.~~

SEC. 12. Section 1059 of the Fish and Game Code is amended to read:

1059. (a) The failure or refusal of any license agent to account for licenses, permits, reservations, tags, and other entitlements, or any fees received from their issuance as required by Section ~~1055.5 or 1055.6~~ or upon demand by an authorized representative of the department is a misdemeanor.

(b) In addition to subdivision (a), any license agent who fails to remit fees to the department on or before the date required by Section ~~1055.5 or 1055.6~~ shall pay interest and penalties prescribed for sales and use taxes and, except as otherwise provided in this code, the department shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, “board” means the department.

SEC. 13. Section 1060 of the Fish and Game Code is repealed.

~~1060. (a) The department may accept from any authorized license agent an affidavit for settlement on its account in lieu of licenses, permits, reservations, tags, and other entitlements that~~

1 have been lost or destroyed if the license agent meets the following
2 criteria:

3 (1) ~~Reports any losses of licenses, permits, reservations, tags,~~
4 ~~or other entitlements to the department on or before the end of the~~
5 ~~next business day of the department.~~

6 (2) ~~Submits the following items to the department not more than~~
7 ~~20 days following the last day of the calendar month in which the~~
8 ~~items were lost or destroyed:~~

9 (A) ~~An accounting report listing all licenses, permits,~~
10 ~~reservations, tags, and other entitlements that were lost or~~
11 ~~destroyed.~~

12 (B) ~~A signed and notarized affidavit that shows the value and~~
13 ~~type of the licenses, permits, reservations, tags, and other~~
14 ~~entitlements, their serial numbers, and the causes of loss or~~
15 ~~destruction.~~

16 (b) ~~This section does not apply to licenses, permits, reservations,~~
17 ~~tags, or other entitlements that are issued through the Automated~~
18 ~~License Data System.~~

19 *SEC. 14. Section 1070 of the Fish and Game Code is repealed.*

20 1070. ~~The department shall transmit monthly to the Department~~
21 ~~of Finance, for review, a summary report of the fee remittances~~
22 ~~and accounting reports received under Section 1055.5 and a~~
23 ~~delinquency report containing the name and address of any person~~
24 ~~who failed or refused to fully comply with Section 1055.5. The~~
25 ~~summary fee remittance and accounting report and the delinquency~~
26 ~~report shall be transmitted to the Department of Finance not later~~
27 ~~than 45 days following the last day of the calendar month for which~~
28 ~~the fee remittances and accounting reports were due under Section~~
29 ~~1055.5.~~

30 *SEC. 15. Section 1764 of the Fish and Game Code is amended*
31 *to read:*

32 1764. (a) The director shall designate those particular areas
33 of land managed by the department at which possession of a valid
34 annual wildlife pass or day use pass shall be required. No
35 designation shall be effective until a management plan for the area
36 has been presented at a public meeting and the plan has been
37 approved by the director.

38 (b) No person shall enter the designated area unless that person
39 possesses an annual wildlife area pass or a day use pass issued
40 pursuant to Section 1765, a valid hunting license issued pursuant

1 to Section 3031, a valid trapping license issued pursuant to Section
2 4006, or a valid sportfishing license issued pursuant to Section
3 ~~7149, 7149.1, 7149.05~~, 7150, or 7151, or that person is a member
4 of a tour by an organized youth or school group ~~which~~ *that* has
5 been issued a day use pass.

6 (c) Notwithstanding subdivision (b), possession of a license or
7 pass shall not be required of any person who:

8 (1) Is passing through the area on a public right-of-way.

9 (2) Possesses authorization by the commission or the department
10 to conduct scientific or educational research.

11 (3) Is discharging duties in the course of employment, as
12 specified by the department.

13 (4) Possesses written authorization from the department to enter
14 the area for a specific purpose.

15 *SEC. 16. Section 3050 of the Fish and Game Code is amended*
16 *to read:*

17 3050. (a) No hunting license may be issued to any person
18 unless he or she presents to the person authorized to issue that
19 license any of the following:

20 (1) Evidence that he or she has held a hunting license issued by
21 this state in a prior year.

22 (2) Evidence that he or she holds a current hunting license, or
23 a hunting license issued in either of the two previous hunting years
24 by another state or province.

25 (3) A certificate of completion of a course in hunter education,
26 principles of conservation, and sportsmanship, as provided in this
27 article. A hunter education instruction validation stamp shall be
28 permanently affixed to certificates of completion that have been
29 issued before January 1, 2008.

30 (4) A certificate of successful completion of a hunter education
31 course in another state or province.

32 (5) Evidence of completion of a course in hunter education,
33 principles of conservation, and sportsmanship, which the
34 commission may, by regulation, require.

35 (b) The evidence required in subdivision (a) shall be forwarded
36 to the department with the license agent's report of hunting license
37 sales as required pursuant to Section ~~1055.5~~. *department.*

38 (c) Subdivision (a) does not apply to any person purchasing a
39 hunting license under paragraph (5) of subdivision (a) of Section

1 3031. However, that license shall not qualify as evidence required
2 in subdivision (a) of this section.

3 *SEC. 17. Section 3682 of the Fish and Game Code is repealed.*

4 ~~3682. (a) It is unlawful for any person, except a person licensed
5 pursuant to paragraph (2) of subdivision (a) of Section 3031, to
6 take any upland game bird species without first procuring an upland
7 game bird stamp, and having the stamp permanently affixed to his
8 or her valid hunting license.~~

9 ~~(b) Upland game bird stamps may be obtained from the
10 department, or a licensed agent authorized pursuant to Section
11 1055, for a fee of six dollars and twenty-five cents (\$6.25), adjusted
12 pursuant to Section 713.~~

13 ~~(c) This section does not apply to licenses, permits, reservations,
14 tags, or other entitlements issued through the Automated License
15 Data System.~~

16 *SEC. 18. Section 3700 of the Fish and Game Code is repealed.*

17 ~~3700. (a) It is unlawful for any person, except a person licensed
18 pursuant to paragraph (2) of subdivision (a) of Section 3031, to
19 take any migratory game bird, except jacksnipe, coots, gallinules,
20 western mourning doves, white-winged doves, and band-tailed
21 pigeons, without first procuring either an open edition or a
22 Governor's edition state duck stamp, as provided in subdivisions
23 (b) and (c), and having the state duck stamp in his or her possession
24 while taking those birds.~~

25 ~~(b) State duck stamps, open edition, shall be sold for a fee of
26 ten dollars (\$10) by the department and by license agents, who are
27 authorized by the department pursuant to Section 1055, in the same
28 manner as hunting licenses.~~

29 ~~(c) State duck stamps, Governor's edition, may be printed and
30 sold on a bid basis, beginning at a minimum bid, as determined
31 by the department or its representative.~~

32 ~~(d) The commission shall determine the form of the state duck
33 stamp.~~

34 ~~(e) The department may prepare and sell artwork, posters, and
35 other promotional materials related to the sale of duck stamps or
36 waterfowl hunting and conservation.~~

37 ~~(f) This section does not apply to licenses, permits, reservations,
38 tags, or other entitlements issued through the Automated License
39 Data System.~~

40 *SEC. 19. Section 6596 of the Fish and Game Code is repealed.*

6596. ~~(a) In addition to a valid California sport fishing license and any other applicable license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have a valid sport fishing ocean enhancement stamp permanently affixed to his or her fishing license. A sport fishing ocean enhancement stamp shall be issued upon payment of a base fee of three dollars and fifty cents (\$3.50). A sport fishing license issued pursuant to paragraph (4) or (5) of subdivision (a) of Section 7149 is not subject to this subdivision.~~

~~(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial fishing ocean enhancement stamp issued for that vessel that has not been suspended or revoked.~~

~~(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes, south of a line extending due west from Point Arguello, shall have a valid commercial fishing ocean enhancement stamp issued to that person that has not been suspended or revoked.~~

~~(d) The base fee for a commercial fishing ocean enhancement stamp is thirty-five dollars (\$35).~~

~~(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

~~(f) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.~~

~~(g) The commission shall adjust the amount of the fees specified in subdivision (f), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.~~

SEC. 20. Section 7149 of the Fish and Game Code is repealed.

7149. ~~(a) A sport fishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:~~

~~(1) A resident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the~~

1 remainder thereof, upon payment of a base fee of thirty-one dollars
2 and twenty-five cents (\$31.25):

3 (2) ~~A nonresident, 16 years of age or older, for the period of a~~
4 ~~calendar year, or, if issued after the beginning of the year, for the~~
5 ~~remainder thereof, upon payment of a base fee of eighty-four~~
6 ~~dollars (\$84).~~

7 (3) ~~A nonresident, 16 years of age or older, for the period of 10~~
8 ~~consecutive days beginning on the date specified on the license~~
9 ~~upon payment of the fee set forth in paragraph (1).~~

10 (4) ~~A resident or nonresident, 16 years of age or older, for two~~
11 ~~consecutive designated calendar days, upon payment of one-half~~
12 ~~of the fee set forth in paragraph (1). Notwithstanding Section 1053,~~
13 ~~more than one two-day license issued for different two-day periods~~
14 ~~may be issued to, or possessed by, a person at one time.~~

15 (5) ~~A resident or nonresident, 16 years of age or older, for one~~
16 ~~designated day, upon payment of a base fee of ten dollars (\$10).~~

17 (b) ~~California sport fishing license stamps shall be issued by~~
18 ~~authorized license agents in the same manner as sport fishing~~
19 ~~licenses, and no compensation may be paid to the authorized~~
20 ~~license agent for issuing the stamps except as provided in Section~~
21 ~~1055.~~

22 (c) ~~This section does not apply to licenses, permits, reservations,~~
23 ~~tags, or other entitlements issued through the Automated License~~
24 ~~Data System.~~

25 (d) ~~The base fees specified in this section are applicable to the~~
26 ~~2004 license year, and shall be adjusted annually thereafter~~
27 ~~pursuant to Section 713.~~

28 (e) ~~The commission shall adjust the amount of the fees specified~~
29 ~~in subdivision (d), as necessary, to fully recover, but not exceed,~~
30 ~~all reasonable administrative and implementation costs of the~~
31 ~~department and the commission relating to those licenses.~~

32 *SEC. 21. Section 7149.2 of the Fish and Game Code is amended*
33 *to read:*

34 7149.2. (a) In addition to Sections 714, 7149, 714 and 7149.05,
35 the department shall issue a lifetime sport fishing license under
36 this section. A lifetime sport fishing license authorizes the taking
37 of fish, amphibians, or reptiles anywhere in this state in accordance
38 with the law for purposes other than profit for the life of the person
39 to whom issued unless revoked for a violation of this code or
40 regulations adopted under this code. A lifetime sport fishing license

1 is not transferable. A lifetime sport fishing license does not include
2 any special tags, stamps, or fees.

3 (b) A lifetime sport fishing license may be issued to residents
4 of this state, as follows:

5 (1) To a person 62 years of age or over, upon payment of a base
6 fee of three hundred sixty-five dollars (\$365).

7 (2) To a person 40 years of age or over and less than 62 years
8 of age, upon payment of a base fee of five hundred forty dollars
9 (\$540).

10 (3) To a person 10 years of age or over and less than 40 years
11 of age upon payment of a base fee of six hundred dollars (\$600).

12 (4) To a person less than 10 years of age upon payment of a
13 base fee of three hundred sixty-five dollars (\$365).

14 (c) Nothing in this section requires a person less than 16 years
15 of age to obtain a license to take fish, amphibians, or reptiles for
16 purposes other than profit.

17 (d) Nothing in this section exempts a license applicant from
18 meeting other qualifications or requirements otherwise established
19 by law for the privilege of sport fishing.

20 (e) Upon payment of a base fee of two hundred forty-five dollars
21 (\$245), a person holding a lifetime sport fishing license or lifetime
22 sportsman's license shall be entitled annually to the privileges
23 afforded to a person holding a second-rod stamp or validation
24 issued pursuant to Section ~~7149.4~~ or 7149.45, a sport fishing ocean
25 enhancement stamp or validation issued pursuant to ~~paragraph (1)~~
26 ~~of subdivision (a) of Section 6596 or 6596.1~~, one steelhead trout
27 report restoration card issued pursuant to Section 7380, ~~a Bay-Delta~~
28 ~~sport fishing enhancement stamp or validation issued pursuant to~~
29 ~~Section 7360 or 7360.1~~, and one salmon punchcard issued pursuant
30 to regulations adopted by the commission. Lifetime privileges
31 issued pursuant to this subdivision are not transferable.

32 (f) The base fees specified in this section are applicable
33 commencing January 1, 2004, and shall be adjusted annually
34 thereafter pursuant to Section 713.

35 *SEC. 22. Section 7149.3 of the Fish and Game Code is amended*
36 *to read:*

37 7149.3. Notwithstanding Section ~~7149~~, 7149.05, a sport fishing
38 license is not required for ~~any~~ a resident to take ~~any~~ a rattlesnake
39 (genus *Crotalus* or *Sistrurus*).

1 *SEC. 23. Section 7149.4 of the Fish and Game Code is*
2 *repealed.*

3 ~~7149.4. (a) It is unlawful for any person to fish with two rods~~
4 ~~without first obtaining a second-rod sport fishing stamp, in addition~~
5 ~~to a valid California sport fishing license and any applicable stamp~~
6 ~~issued pursuant to subdivision (a) of Section 7149, and having that~~
7 ~~stamp affixed to his or her valid sport fishing license. Any person~~
8 ~~who has a valid second-rod sport fishing stamp affixed to his or~~
9 ~~her valid sport fishing license may fish with two rods in inland~~
10 ~~waters in any sport fishery in which the regulations of the~~
11 ~~commission provide for the taking of fish by angling, except those~~
12 ~~waters in which only artificial lures or barbless hooks may be used.~~

13 ~~(b) The department or an authorized license agent shall issue a~~
14 ~~second-rod sport fishing stamp upon payment of a base fee of~~
15 ~~seven dollars and fifty cents (\$7.50) during the 1995 calendar year~~
16 ~~and subsequent years, as adjusted under Section 713.~~

17 ~~(c) This section does not apply to licenses, permits, reservations,~~
18 ~~tags, or other entitlements issued through the Automated License~~
19 ~~Data System.~~

20 *SEC. 24. Section 7150 of the Fish and Game Code is amended*
21 *to read:*

22 7150. (a) Upon application to the department's headquarters
23 office in Sacramento and payment of a base fee of four dollars
24 (\$4), as adjusted pursuant to Section 713, the following persons,
25 who have not been convicted of any violation of this code, shall
26 be issued a reduced fee sport fishing license that is valid for one
27 year as specified in paragraphs ~~(1) and (2) of subdivision (a) of~~
28 ~~Section 7149 or paragraphs (1) and (2) of subdivision (a) of Section~~
29 7149.05 and that authorizes the licensee to take any fish, reptile,
30 or amphibians anywhere in this state as otherwise authorized
31 pursuant to this code and regulations adopted pursuant thereto for
32 purposes other than profit:

33 (1) A disabled veteran having a 50 percent or greater
34 service-connected disability upon presentation of proof of an
35 honorable discharge from military service and proof of the
36 disability. Proof of the disability shall be by certification from the
37 United States Veterans Administration or by presentation of a
38 license issued pursuant to this paragraph in the preceding license
39 year.

(2) A member of the military who is a “recovering service member” pursuant to Section 1602(7) of the federal National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). A person shall be eligible for a reduced fee sport fishing license pursuant to this paragraph upon the submission of a letter, online or in hardcopy, to the department from that person’s commanding officer or from a military medical doctor stating that the person is a recovering service member.

(3) A person over 65 years of age who is a resident of this state and whose total monthly income from all sources, including any old age assistance payments, does not exceed the amount in effect on September 1 of each year contained in subdivision (c) of Section 12200 of the Welfare and Institutions Code for single persons or subdivision (d) of Section 12200 of the Welfare and Institutions Code combined income for married persons, as adjusted pursuant to that section. The amount in effect on September 1 of each year shall be the amount used to determine eligibility for a reduced fee license during the following calendar year.

(b) A person applying for a reduced fee sport fishing license shall submit adequate documentation for the department to determine whether the applicant is, in fact, eligible for a reduced fee sport fishing license. The documentation shall be in the form of a letter or other document, as specified by the department, from a public agency, except as provided in paragraphs (1) and (2) of subdivision (a). The department shall not issue a reduced fee sport fishing license to any person unless it is satisfied that the applicant has provided adequate documentation of eligibility for that license.

(c) The adjustment of the base fee pursuant to Section 713 specified in subdivision (a) shall be applicable to the fishing license years beginning on or after January 1, 1996.

SEC. 25. Section 7180 of the Fish and Game Code is repealed.

~~7180. (a) Any person taking fish or amphibians for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sport fishing license issued by either the State of Arizona or State of California.~~

~~(b) In addition to either of the licenses, a person taking fish or amphibians as indicated shall have in his or her possession a valid~~

1 Colorado River special use stamp permanently affixed to his or
2 her valid sport fishing license. If he or she is a person having in
3 his or her possession a valid California sport fishing license he or
4 she shall have an Arizona special use stamp to fish legally the
5 waters described above. If he or she is a person having in his or
6 her possession a valid Arizona sport fishing license, he or she shall
7 have a California special use stamp to fish legally the waters
8 described above.

9 (e) A special use stamp, when accompanied by the proper
10 license, permits fishing in any portion of those waters, and permits
11 fishermen to enter the waters from any point.

12 The fee for a Colorado River special use stamp is three dollars
13 (\$3).

14 (d) This section does not apply to licenses, permits, reservations,
15 tags, or other entitlements issued through the Automated License
16 Data System.

17 *SEC. 26. Section 7181 of the Fish and Game Code is repealed.*

18 7181. (a) A person fishing from the shore in the waters of the
19 Colorado River located in Arizona or California shall have in his
20 or her possession a valid sportfishing license issued by the state
21 that has jurisdiction over that shore. That shoreline fishing does
22 not require a Colorado River special use stamp as long as the
23 fisherman remains on the shore and does not embark on the water.
24 Any person, however, having in his or her possession a valid
25 Arizona sportfishing license and a California special use stamp
26 may fish from the shore in the waters of the Colorado River, or
27 adjacent waters, except canals, drains, and ditches used to transport
28 water used for irrigation or domestic purposes, located in
29 California, without a sportfishing license issued by the State of
30 California.

31 (b) This section does not apply to licenses, permits, reservations,
32 tags, or other entitlements issued through the Automated License
33 Data System.

34 *SEC. 27. Section 7182 of the Fish and Game Code is repealed.*

35 7182. (a) Arizona Colorado River special use stamps shall be
36 issued by California authorized license agents under the supervision
37 of the department in the same manner as sportfishing licenses are
38 issued, and California sportfishing licenses and California Colorado
39 River special use stamps shall be issued by Arizona license dealers
40 under the supervision of the Arizona Game and Fish Commission.

~~(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

SEC. 28. Section 7183 of the Fish and Game Code is repealed.

~~7183. (a) The Arizona Game and Fish Commission shall handle California sportfishing licenses and California special use stamps and issue them to Arizona license dealers. Prior to August 31 of each year, that commission shall make an audit report and send a remittance for those sales to the California Department of Fish and Game.~~

~~(b) The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers. Prior to August 31 of each year, that department shall make an audit report and send a remittance for those sales to the Arizona Game and Fish Commission.~~

~~(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

SEC. 29. Section 7184 of the Fish and Game Code is repealed.

~~7184. (a) An Arizona special use stamp is valid from January 1 to December 31, inclusive, of each year, to coincide with the period for which a California sportfishing license is issued.~~

~~(b) A California special use stamp is valid for one year to coincide with the period for which an Arizona fishing license is issued.~~

~~(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

SEC. 30. Section 7186 of the Fish and Game Code is repealed.

~~7186. (a) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State which provides for an Arizona resident sportfishing license valid for a period of less than one year, a California special use stamp valid for the same period as the Arizona resident sportfishing license may be issued for a fee of one dollar (\$1).~~

~~(b) If Arizona issues a resident sportfishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, that license shall be deemed to be a license upon substantially the same terms and conditions as~~

1 are provided for the issuance of California licenses to licensees of
2 the State of Arizona for the purposes of Section 7185.

3 ~~(e) This section does not apply to licenses, permits, reservations,~~
4 ~~tags, or other entitlements issued through the Automated License~~
5 ~~Data System.~~

6 *SEC. 31. Section 7860 of the Fish and Game Code is amended*
7 *to read:*

8 7860. (a) Except as provided in subdivision (f) or (g), no
9 person who is 18 years of age or more and less than 70 years of
10 age, on or before April 1 of the current license year, shall take
11 salmon for commercial purposes or be on board a vessel on which
12 salmon are taken for commercial purposes while salmon are being
13 taken or transported unless that person has a commercial fishing
14 salmon stamp issued pursuant to this section affixed to his or her
15 commercial fishing license.

16 (b) Except as provided in subdivision (f) or (g), the operator of
17 a vessel on which salmon are taken for commercial purposes shall
18 not permit a person on board that vessel while salmon are being
19 taken or transported unless that person was less than 18 years of
20 age or 70 years of age or more on April 1 of the current license
21 year or that person has a commercial fishing salmon stamp affixed
22 to the person's commercial fishing license.

23 (c) Except as provided in this subdivision, the department shall
24 issue a commercial fishing salmon stamp upon application therefor
25 and payment of the fee of eighty-five dollars (\$85). For any
26 commercial salmon season preceded by a commercial salmon
27 season in which the commercial troll salmon landings in this state
28 equal or exceed 3,000,000 pounds dressed weight, as determined
29 by the department, the fee shall be increased by twelve dollars and
30 fifty cents (\$12.50) for every 250,000 pounds over 3,000,000
31 pounds of dressed weight landings, except that the total fees as
32 adjusted shall not exceed two hundred sixty dollars (\$260).

33 (d) A commercial fishing salmon stamp is valid during the
34 commercial salmon season of the year in which it was issued.

35 ~~(e) Notwithstanding Section 1053, upon~~ Upon application and
36 payment of an additional fee equal to that prescribed in subdivision
37 (c), the department may issue an additional commercial fishing
38 salmon stamp for a crewmember to the owner or operator of a
39 vessel who holds a commercial fishing salmon stamp.

(f) Notwithstanding subdivision (a), one crewmember of a vessel for which a commercial fishing salmon stamp is issued pursuant to subdivision (e) may be aboard that vessel and take salmon for commercial purposes as a crewmember on that vessel without obtaining a commercial fishing salmon stamp under the following conditions:

(1) The crewmember is designated by name and commercial fishing license number on a form furnished by the department before salmon are taken on the vessel when that crewmember is aboard.

(2) The crewmember has a valid commercial fishing license issued under Section 7850.

(3) The commercial fishing salmon stamp for the crewmember is affixed to the form prescribed in paragraph (1) on which the vessel registration number of the vessel is entered and on which the crewmember who is exempted by this subdivision is designated by the last entered name and commercial fishing license number.

(g) Persons who are exempt from the license requirements, or who are not required to be licensed, pursuant to Section 7850, are exempt from the requirements of this section.

SEC. 32. Section 12002.2.1 of the Fish and Game Code is amended to read:

12002.2.1. (a) Notwithstanding any other provision of law, a violation of any of the following is an infraction, punishable by a fine of not less than fifty dollars (\$50), or more than two hundred fifty dollars (\$250), for a first offense:

~~(1) Subdivision (a) of Section 6596.~~

~~(2)~~

~~(1) Subdivision (a) of Section 6596.1.~~

~~(3) Subdivision (a) of Section 7149.4.~~

~~(4)~~

~~(2) Subdivision (a) of Section 7149.45.~~

~~(5) Subdivision (b) of Section 7180.~~

~~(6)~~

~~(3) Subdivision (b) of Section 7180.1.~~

~~(7) Subdivision (a) of Section 7360.~~

~~(8)~~

(4) Section 1.18 of Title 14 of the California Code of Regulations.

1 (b) If a person is convicted of a violation of any of the sections
2 listed in subdivision (a) within five years of a separate offense
3 resulting in a conviction of a violation of any of those sections,
4 that person shall be punished by a fine of not less than one hundred
5 dollars (\$100) or more than five hundred dollars (\$500).

6 (c) If a person convicted of a violation of any of the sections
7 listed in subdivision (a) produces in court the applicable sport
8 fishing ocean enhancement stamp, sport fishing ocean enhancement
9 validation, second rod sport fishing stamp, second rod sport fishing
10 validation, Colorado River special use stamp, Colorado River
11 special use validation, Bay-Delta Sport Fishing Enhancement
12 Stamp or Bay-Delta Sport Fishing Enhancement validation issued
13 pursuant to this code and valid at the time of the person's arrest,
14 and if the taking was otherwise lawful with respect to season, limit,
15 time, and area, the court may reduce the fine imposed for the
16 violation to twenty-five dollars (\$25).

17 *SEC. 33. Section 12153 of the Fish and Game Code is amended*
18 *to read:*

19 12153. ~~Any~~A commercial fishing license is forfeited for the
20 violation of ~~any of the provisions of Sections 1050 1050.1 to 1060,~~
21 ~~inclusive, or 2012 of this code,~~ Section 2012, or of any of the
22 provisions of this code relating to the use of nets.

23 *SEC. 34. Section 13005 of the Fish and Game Code is amended*
24 *to read:*

25 13005. (a) Notwithstanding Section 13001, the fees collected
26 from lifetime sportsman's licenses and privileges issued pursuant
27 to Section 714, lifetime hunting licenses and privileges issued
28 pursuant to Section 3031.2, and lifetime sport fishing licenses and
29 privileges issued pursuant to Section 7149.2 shall be deposited as
30 follows:

31 (1) Twenty dollars (\$20) from the initial issuance of each
32 lifetime license shall be deposited in the Fish and Game
33 Preservation Fund for use in accordance with Section 711.

34 (2) The balance of the fees collected shall be deposited in the
35 Lifetime License Trust Account which is hereby created in the
36 Fish and Game Preservation Fund. Except as provided in this
37 section, that principal amount of the money in the account from
38 the fee for a lifetime license shall not be used, except for
39 investment.

(b) The money in the Lifetime License Trust Account may be transferred and invested through the Surplus Money Investment Fund and all interest shall accrue to the account pursuant to subdivision (g) of Section 16475 of the Government Code.

(c) Upon issuance of a lifetime license or lifetime privilege issued pursuant to Section 714, 3031.2, or 7149.2, the department shall transfer the following amounts from the Lifetime License Trust Account to the Fish and Game Preservation Fund:

(1) Twenty-nine dollars and twenty-five cents (\$29.25) for an annual resident hunting license or an annual resident sport fishing license.

(2) Seven dollars and twenty-five cents (\$7.25) for a junior hunting license.

(3) Nine dollars and twenty-five cents (\$9.25) for one second-rod stamp or validation issued pursuant to ~~Section 7149.4~~ or Section 7149.45.

(4) Two dollars and fifty cents (\$2.50) for one sport fishing ocean enhancement stamp or validation issued pursuant to ~~subdivision (a) of Section 6596~~ or subdivision (a) of Section 6596.1.

~~(5) Three dollars and fifty cents (\$3.50) for one Bay-Delta sport fishing enhancement stamp or validation issued pursuant to Section 7360 or Section 7360.1.~~

~~(6)~~
(5) Three dollars and seventy-five cents (\$3.75) for one steelhead trout catch report-restoration card issued pursuant to Section 7380.

~~(7)~~
(6) One dollar (\$1) for one salmon punchcard issued pursuant to regulations adopted by the commission.

~~(8)~~
(7) Nineteen dollars and twenty-five cents (\$19.25) for a deer tag application issued pursuant to subdivision (a) of Section 4332.

~~(9)~~
(8) Eight dollars and seventy-five cents (\$8.75) for five wild pig tags issued pursuant to Section 4654.

~~(10)~~
(9) Ten dollars (\$10) for one state duck stamp or validation issued pursuant to ~~Section 3700~~ or 3700.1.

~~(11)~~

1 (10) Six dollars and twenty-five cents (\$6.25) for one upland
2 game bird stamp or validation issued pursuant to Section ~~3682 or~~
3 3682.1.

4 SEC. 35. Section 113 of the Government Code is amended to
5 read:

6 113. ~~The Legislature of California~~ *Legislature, acting through*
7 *the State Lands Commission*, hereby consents to the retrocession
8 of jurisdiction by the United States ~~of over~~ land within this state
9 upon and subject to each and all of the following express
10 conditions:

11 (a) The United States must in writing have requested state
12 acceptance of *the* retrocession, and unless there is an officer of the
13 United States empowered by a United States statute to ~~cede~~
14 *retrocede* jurisdiction, the request shall be by the act of Congress.
15 The retrocession may return all jurisdiction to the state or may
16 provide for concurrent jurisdiction.

17 ~~(b) When the conditions of subdivision (a) have been found and~~
18 ~~declared to have occurred and to exist, by the State Lands~~
19 ~~Commission, the commission shall hold a hearing to determine~~
20 ~~whether acceptance of the retrocession is in the best interests of~~
21 ~~the state. Notice of the hearing shall be published pursuant to~~
22 ~~Section 6061 in each county in which the land or any part of the~~
23 ~~land is situated and a copy of the notice shall be personally served~~
24 ~~upon the clerk of the board of supervisors of each such county.~~
25 ~~The State Lands Commission shall make rules and regulations~~
26 ~~governing the conditions and procedure of the hearings.~~

27 (b) *The proposed retrocession is in the best interest of the state.*

28 (c) *A notice of the proposed retrocession has been given to the*
29 *clerk for the board of supervisors of each county in which the*
30 *federal lands are located at least 15 days before the proposed*
31 *retrocession is considered by the State Lands Commission.*

32 (d) *The United States has agreed to bear all costs and expenses*
33 *incurred by the State Lands Commission in making the*
34 *retrocession.*

35 ~~(e) The~~

36 (e) *The acceptance of the retrocession shall be made at a*
37 *publicly noticed meeting of the State Lands Commission. The*
38 *determination of the State Lands Commission shall be final and*
39 *the retrocession of jurisdiction accepted shall become effective*
40 *when certified copies of its orders or resolutions have been*

1 recorded in the office of the county recorder of each county in
2 which any part of the land is situated. The State Lands Commission
3 shall keep copies of its orders or resolutions and make them
4 available to the public upon request.

5 *SEC. 36. Section 741 of the Public Resources Code is amended*
6 *to read:*

7 741. (a) The board shall appoint a Range Management
8 Advisory Committee and shall consult with the advisory committee
9 on rangeland resource issues under consideration by the board.

10 (b) The advisory committee shall consist of 11 members, who
11 shall be selected as follows:

12 (1) ~~Two~~ Three members of the general public, who have an
13 interest and background in the conservation of range resources or
14 special knowledge in the protection of range and brushland soils
15 and watersheds.

16 ~~(2) One member nominated by the Watershed Fire Council of~~
17 ~~Southern California.~~

18 ~~(3)~~

19 (2) One member nominated by the California Association of
20 Resource Conservation Districts.

21 ~~(4)~~

22 (3) Seven members nominated by organizations representing
23 owners of range and brushlands.

24 (c) Members of the advisory committee shall serve without
25 compensation.

26 (d) The Secretary of the *Natural* Resources Agency, the
27 Secretary for Environmental Protection, and the Secretary of Food
28 and Agriculture shall notify the advisory committee of, and are
29 encouraged to consult with the advisory committee on, rangeland
30 resource issues that are under consideration by the *Natural*
31 Resources Agency, the California Environmental Protection
32 Agency, and the Department of Food and Agriculture, respectively.

33 *SEC. 37. Section 8301 of the Public Resources Code is*
34 *amended to read:*

35 8301. The Governor, on application therefor by a duly
36 authorized agent, may convey to the United States ~~any~~ a tract of
37 land ~~not exceeding that does not exceed~~ 10 acres, belonging to the
38 ~~State~~ state and covered by navigable waters, for the site of a
39 lighthouse, beacon, or other aid to navigation. ~~After conveyance,~~
40 ~~the United States shall have jurisdiction over the tract, subject to~~

1 ~~the right of the State to have concurrent jurisdiction so far that all~~
2 ~~process, civil or criminal, issued under authority of the State may~~
3 ~~be executed by the proper officers thereof within the tract, upon~~
4 ~~any person amenable thereto, in like manner and with like effect~~
5 ~~as if the conveyance had not been made.~~

6 *SEC. 38. Section 30310.5 of the Public Resources Code is*
7 *repealed.*

8 ~~30310.5.— This division or any other law, including any doctrine~~
9 ~~of common law, shall not preclude or prevent the appointment, as~~
10 ~~a public member, to the commission of a person who is not a~~
11 ~~locally elected official.~~

12 *SEC. 39. Section 30315 of the Public Resources Code is*
13 *amended to read:*

14 ~~30315. (a) The commission shall meet at least once a month~~
15 ~~10 times annually~~ at a place convenient to the public. All meetings
16 of the commission shall be open to the public.

17 ~~A~~

18 ~~(b) A majority of the total appointed membership of the~~
19 ~~commission shall constitute a quorum. Any An~~ action taken by the
20 commission under this division requires a majority vote of the
21 members present at the meeting of the commission, with a quorum
22 being present, unless otherwise specifically provided for in this
23 division.

24 ~~SECTION 1.~~

25 *SEC. 40. Section 1026 of the Water Code is amended to read:*

26 ~~1026. The lead agency shall not approve a water lease until 30~~
27 ~~days after the board provides written public notice, including notice~~
28 ~~by personal delivery or registered mail to legal users of water~~
29 ~~which may be affected by the lease, as identified by the board, the~~
30 ~~Department of Fish and Wildlife, and any party requesting special~~
31 ~~notice of water leases pursuant to this chapter. The water lessor~~
32 ~~shall pay a reasonable fee, in an amount determined by the state~~
33 ~~board, for the cost of providing the notice.~~

34 ~~SEC. 2.~~

35 *SEC. 41. Section 1055 of the Water Code is amended to read:*

36 ~~1055. (a) The executive director of the board may issue a~~
37 ~~complaint to any person or entity on which administrative civil~~
38 ~~liability may be imposed pursuant to Section 1052, Article 4~~
39 ~~(commencing with Section 1845) of Chapter 12 of Part 2 of~~
40 ~~Division 2, or Section 5107. The complaint shall allege the act or~~

1 failure to act that constitutes a trespass or violation, the provision
2 of law authorizing civil liability to be imposed, and the proposed
3 civil liability.

4 (b) The complaint shall be served by personal notice or certified
5 mail, and shall inform the party served that the party may request
6 a hearing not later than 20 days from the date the party was served.
7 The hearing shall be before the board or a member of the board,
8 in accordance with Section 183. The board may adopt an order
9 setting administrative civil liability based on the allegations set
10 forth in the complaint without a hearing, unless a written request
11 for a hearing signed by, or on behalf of, the party served with the
12 complaint is delivered to or received by mail by the board within
13 20 days after the date the party was served.

14 (c) The board, after any necessary hearing, may adopt an order
15 setting administrative civil liability, or determining that a liability
16 shall not be imposed.

17 (d) Orders setting administrative civil liability shall become
18 effective and final upon issuance thereof and payment shall be
19 made.

20 ~~SEC. 3.~~

21 *SEC. 42.* Section 1126.2 of the Water Code is repealed.

22 ~~SEC. 4.~~

23 *SEC. 43.* Section 1228.1 of the Water Code is amended to read:

24 1228.1. (a) The Legislature finds and declares that it is in the
25 public interest to provide a timely, efficient, and economic
26 procedure for the acquisition of rights to appropriate water for a
27 small domestic use, including incidental stock watering and
28 irrigation uses, a small irrigation use, and for a livestock stockpond
29 subject to prior rights.

30 (b) As used in this article:

31 (1) “Small domestic use” means a domestic use, as that use is
32 defined by board rule, or a use for aesthetic, fire protection,
33 recreational, or fish and wildlife purposes that is associated with
34 a dwelling or other facility for human occupation, that does not
35 exceed direct diversion of 4,500 gallons per day or diversion to
36 storage of 10 acre-feet per year.

37 (2) “Small irrigation use” means either of the following:

38 (A) An irrigation use, heat control use, or frost protection use,
39 not to exceed diversion to storage of 20 acre-feet per year,

1 including impoundment for incidental aesthetic, fire protection,
2 recreational, or fish and wildlife purposes.

3 (B) An irrigation use not to exceed direct diversion of 42,000
4 gallons per day, up to a maximum of 20 acre-feet per year.

5 (3) “Livestock stockpond” means a water impoundment structure
6 constructed for livestock watering use not to exceed direct
7 diversion of 4,500 gallons per day, or diversion to storage of 10
8 acre-feet per year, as that use is defined by the board, and including
9 impoundment for incidental aesthetic, fire protection, recreational,
10 or fish and wildlife purposes.

11 ~~SEC. 5.~~

12 *SEC. 44.* Section 1228.2 of the Water Code is amended to read:

13 1228.2. (a) (1) Subject to subdivision (b), a person may obtain
14 a right to appropriate water for a small domestic, small irrigation,
15 or livestock stockpond use upon first registering the use with the
16 board and thereafter applying the water to reasonable and beneficial
17 use with due diligence.

18 (2) With regard to an appropriation for small domestic use, a
19 registration shall not be filed for a facility served by or used
20 pursuant to a permit or license for domestic or municipal use, and
21 not more than one small domestic use registration shall be in effect
22 at any time for any facility. A small domestic use registration and
23 a livestock stockpond use registration may be in effect for the same
24 facility if the total combined water use covered by the registrations
25 does not exceed 10 acre-feet per year.

26 (3) With regard to an appropriation for small irrigation use,
27 more than one registration may be in effect at any time for a
28 registrant if the diversion or storage facilities subject to registration
29 for a registrant do not exceed the ratio of one per 20 irrigated acres,
30 and if the total water use on all acreage covered by the registrations,
31 including any water use based on other rights, does not exceed
32 100 acre-feet per year.

33 (4) A small domestic use registration and a small irrigation use
34 registration, or a livestock stockpond use registration and a small
35 irrigation use registration, may be in effect for the same facility
36 only if the total combined water use covered by the registrations
37 does not exceed 20 acre-feet per year.

38 (5) With regard to an appropriation for livestock stockpond use,
39 more than one registration may be in effect at any time for a

1 registrant if stockponds subject to registration for that registrant
2 do not exceed the ratio of one per 50 acres.

3 (b) Initiation of rights to appropriate water pursuant to this article
4 shall be subject to Article 1.3 (commencing with Section 1205),
5 relating to fully appropriated stream systems. The board shall not
6 accept a registration of water use which proposes as a source of
7 water supply a stream system which has been unconditionally
8 declared by the board to be fully appropriated pursuant to Section
9 1205, except that subdivision (b) of Section 1206, relating to
10 conditional declarations of fully appropriated stream systems, shall
11 apply to registration of water use pursuant to this article, and the
12 board shall accept those registrations where consistent with the
13 conditions specified in the declaration.

14 (c) The board shall annually prepare and post on its Internet
15 Web site information summarizing the location, nature, and amount
16 of water appropriated pursuant to this article. The information shall
17 include a description of the availability of unappropriated water
18 in those stream systems which may become fully appropriated
19 within the next reporting period.

20 (d) If a registration is filed with a source of supply on a stream
21 system that the most recent report submitted under subdivision (c)
22 identifies as a stream system that may become fully appropriated
23 within the next reporting period, the registration shall not take
24 effect unless the board finds that unappropriated water is available
25 for the appropriation proposed by the registration. If the board
26 finds that unappropriated water is not available to supply the
27 proposed appropriation, the board shall, following notice and
28 hearing, determine whether that stream system should be declared
29 fully appropriated pursuant to Article 1.3 (commencing with
30 Section 1205).

31 ~~SEC. 6.~~

32 *SEC. 45.* Section 1228.3 of the Water Code is amended to read:

33 1228.3. (a) Registration of water use pursuant to this article
34 shall be made upon a form prescribed by the board. The registration
35 form shall set forth all of the following:

- 36 (1) The name and post office address of the registrant.
- 37 (2) The source of water supply.
- 38 (3) The nature and amount of the proposed use.
- 39 (4) The proposed place of diversion.
- 40 (5) The place where it is intended to use the water.

1 (6) The time for completion of construction of diversion works
2 and for complete application of the water to the proposed use.

3 (7) A certification that the registrant has contacted a
4 representative of the Department of Fish and Wildlife designated
5 by that department for that purpose, has provided information to
6 that department that is set forth in the registration form, and has
7 agreed to comply with all lawful conditions, including, but not
8 limited to, conditions upon the construction and operation of
9 diversion works, required by the Department of Fish and Wildlife.

10 The certification shall include a copy of any conditions required
11 by the Department of Fish and Wildlife pursuant to this paragraph.

12 (8) Any other information that may reasonably be required by
13 the board.

14 (b) Registration of water use shall be deemed completed on the
15 date that the form, executed in substantial compliance with the
16 requirements of this section, and the registration fee specified in
17 Section 1525 are received by the board.

18 (c) The board shall issue monthly a list of registrations filed
19 under this article during the preceding calendar month. This list
20 shall contain the information required by paragraphs (1) to (6),
21 inclusive, of subdivision (a). The list shall set forth a date prior to
22 which ~~any~~ *an* interested person may file a written protest in
23 opposition to the approval of a stockpond registration. That date
24 shall be not later than 30 days from the date on which the list is
25 issued. The board shall mail the monthly list of registrations filed
26 to ~~any~~ *a* person who ~~so~~ requests *the list*.

27 (d) Prior to the date set forth on the list required under
28 subdivision (c), ~~any~~ *an* interested person may file with the board
29 a written protest in opposition to the approval of a stockpond
30 registration. The protest shall clearly set forth the protestant's
31 objections to the registered use based on interference with prior
32 rights. The protest shall be served on the registrant by the protestant
33 by mailing a duplicate copy of the protest to the registrant, or
34 through service undertaken in another manner determined to be
35 adequate by the board. The procedures set forth in Article 1.5
36 (commencing with Section 1345) of Chapter 5 shall be used for
37 reviewing a protested registration.

38 ~~SEC. 7.~~

39 *SEC. 46.* Section 1228.6 of the Water Code is amended to read:

1 1228.6. (a) The board shall establish, and may from time to
2 time revise, reasonable general conditions to which all
3 appropriations made pursuant to this article shall be subject. The
4 conditions shall include, but shall not be limited to, the following:

5 (1) The appropriation is subject to prior rights.

6 (2) All conditions lawfully required by the Department of Fish
7 and Wildlife are conditions upon the appropriations.

8 (3) Diversion works shall be constructed and water applied to
9 beneficial use with due diligence.

10 (4) Registration shall be renewed and water use reported
11 pursuant to law and to the rules of the board.

12 (b) Immediately upon registration pursuant to Section 1228.3,
13 renewal of registration pursuant to Section 1228.5, or amended
14 registration pursuant to Section 1228.7, the board shall provide
15 the registrant with a written document setting forth the conditions
16 required by this section, and the perfection and exercise of rights
17 acquired pursuant to this article shall at all times be subject to those
18 conditions.

19 (c) The conditions required by this section shall be deemed
20 “terms and conditions” within the meaning of Section 1825 and
21 the expression of legislative intent contained in that section shall
22 be applicable thereto. The authority of the board to enforce the
23 terms and conditions of permits and licenses to appropriate water,
24 and to prevent the unlawful diversion of water, including, but not
25 limited to, provisions regarding cease and desist orders and the
26 revocation of permits and licenses, shall be applicable to
27 appropriations initiated or perfected pursuant to this article.

28 ~~SEC. 8.~~

29 *SEC. 47.* Section 1229 of the Water Code is amended to read:

30 1229. (a) The board is not required to adopt general conditions
31 for small irrigation use pursuant to subdivision (a) of Section
32 1228.6 until the board determines that funds are available for that
33 purpose.

34 (b) A registration for small irrigation use pursuant to this article
35 is not authorized until the board establishes general conditions for
36 small irrigation use pursuant to subdivision (a) of Section 1228.6
37 to protect instream beneficial uses.

38 (c) The board may establish general conditions for some
39 methods of diversion or categories of small irrigation use before
40 establishing general conditions for other methods or categories,

1 in which case a registration for small irrigation use is authorized
2 only for those methods or categories for which the board has
3 established the general conditions for the protection of instream
4 beneficial uses.

5 ~~SEC. 9.~~

6 *SEC. 48.* Section 1229.1 of the Water Code is amended to read:

7 1229.1. (a) This article does not apply to those stream segments
8 for which the Director of Fish and Wildlife establishes proposed
9 streamflow requirements pursuant to Section 10002 of the Public
10 Resources Code, notwithstanding the July 1, 1989, deadline for
11 preparation of the requirements.

12 (b) Notwithstanding subdivision (a), this article applies to a
13 registration filed before the Director of Fish and Wildlife
14 establishes proposed streamflow requirements for the source of
15 water supply for the registration. The conditions for renewal under
16 subdivision (c) of Section 1228.5 may include any conditions the
17 Department of Fish and Wildlife determines to be necessary to
18 protect stream-related fish and wildlife resources on a source of
19 water supply for which the Director of Fish and Wildlife has
20 established proposed streamflow requirements pursuant to Section
21 10002 of the Public Resources Code.

22 ~~SEC. 10.~~

23 *SEC. 49.* Section 1243 of the Water Code is amended to read:

24 1243. (a) The use of water for recreation and preservation and
25 enhancement of fish and wildlife resources is a beneficial use of
26 water. In determining the amount of water available for
27 appropriation for other beneficial uses, the board shall take into
28 account, ~~whenever~~ *when* it is in the public interest, the amounts
29 of water required for recreation and the preservation and
30 enhancement of fish and wildlife resources.

31 ~~The~~

32 (b) *The* board shall notify the Department of Fish and Wildlife
33 of an application for a permit to appropriate water. The Department
34 of Fish and Wildlife shall recommend the amounts of water, if
35 any, required for the preservation and enhancement of fish and
36 wildlife resources and shall report its findings to the board.

37 ~~This~~

38 (c) *This* section ~~shall not be construed to~~ *does not* affect riparian
39 rights.

1 ~~SEC. 11.~~

2 *SEC. 50.* Section 1260 of the Water Code is amended to read:

3 1260. ~~Every~~*An* application for a permit to appropriate water
4 shall set forth all of the following:

5 (a) The name and post office address of the applicant.

6 (b) The source of water supply.

7 (c) The nature and amount of the proposed use.

8 (d) The location and description of the proposed headworks,
9 ditch canal, and other works.

10 (e) The proposed place of diversion.

11 (f) The place where it is intended to use the water.

12 (g) The time within which it is proposed to begin construction.

13 (h) The time required for completion of the construction.

14 (i) The time for the complete application of the water to the
15 proposed use.

16 (j) All data and information reasonably available to applicant
17 or that can be obtained from the Department of Fish and Wildlife
18 concerning the extent, if any, to which fish and wildlife would be
19 affected by the appropriation, and a statement of any measures
20 proposed to be taken for the protection of fish and wildlife in
21 connection with the appropriation.

22 (k) Sufficient information to demonstrate a reasonable likelihood
23 that unappropriated water is available for the proposed
24 appropriation.

25 ~~SEC. 12.~~

26 *SEC. 51.* Section 1427 of the Water Code is amended to read:

27 1427. Before making the findings required by Section 1425,
28 the board shall do all of the following:

29 (a) Review available records, files, and decisions ~~which~~ *that*
30 relate to the availability of water from the source at the proposed
31 point of diversion to serve the proposed temporary diversion and
32 use, and ~~which~~ *that* relate to the rights of downstream users.

33 (b) Consult with representatives of the Department of Fish and
34 Wildlife.

35 (c) Make a field investigation, if necessary or desirable in the
36 opinion of the board.

37 ~~SEC. 13.~~

38 *SEC. 52.* Section 1430 of the Water Code is amended to read:

39 1430. A temporary permit issued under this chapter shall not
40 result in creation of a vested right, even of a temporary nature, but

1 shall be subject at all times to modification or revocation in the
2 discretion of the board. The authorization to divert and use water
3 under a temporary permit shall automatically expire 180 days after
4 the date of its issuance, unless an earlier date is specified or the
5 temporary permit is revoked. The temporary permit may set
6 monitoring, reporting, or mitigation requirements that apply before
7 or after the authorization to divert or use water under the temporary
8 permit.

9 ~~SEC. 14.~~

10 *SEC. 53.* Section 1437 of the Water Code is amended to read:

11 1437. Before making the findings required by Section 1435,
12 the board shall review available records, files, and decisions ~~which~~
13 *that* relate to the rights of other legal users of water, consult with
14 representatives of the Department of Fish and Wildlife, and make
15 a field investigation if the investigation is necessary or desirable
16 in the opinion of the board.

17 ~~SEC. 15.~~

18 *SEC. 54.* Section 1440 of the Water Code is amended to read:

19 1440. A temporary change order issued under this chapter shall
20 not result in creation of a vested right, even of a temporary nature,
21 but shall be subject at all times to modification or revocation in
22 the discretion of the board. The authorization to divert and use
23 water under a temporary change order shall automatically expire
24 180 days after the date of its issuance unless an earlier date is
25 specified or the temporary change order is revoked. The temporary
26 change order may set monitoring, reporting, or mitigation
27 requirements that apply before or after the authorization to divert
28 or use water under the temporary change order.

29 ~~SEC. 16.~~

30 *SEC. 55.* Section 1701.2 of the Water Code is amended to read:

31 1701.2. A petition for change in a permit or license shall meet
32 all of the following requirements:

33 (a) State the name and address of the petitioner.

34 (b) Be signed by the petitioner, or the petitioner's agent or
35 attorney.

36 (c) Include all information reasonably available to the petitioner,
37 or that can be obtained from the Department of Fish and Wildlife,
38 concerning the extent, if any, to which fish and wildlife would be
39 affected by the change, and a statement of any measures proposed

1 to be taken for the protection of fish and wildlife in connection
2 with the change.

3 (d) Include sufficient information to demonstrate a reasonable
4 likelihood that the proposed change will not injure any other legal
5 user of water.

6 (e) Contain other appropriate information and be in the form
7 required by applicable regulations.

8 ~~SEC. 17.~~

9 *SEC. 56.* Section 1703 of the Water Code is amended to read:

10 1703. After filing a petition for permission to make a change,
11 the petitioner, in case the board so requires, shall cause notice
12 thereof to be given or published in the manner prescribed by the
13 board. In all cases the petitioner shall notify the Department of
14 Fish and Wildlife in writing of the proposed change.

15 ~~SEC. 18.~~

16 *SEC. 57.* Section 1726 of the Water Code is amended to read:

17 1726. (a) (1) A permittee or licensee who proposes a
18 temporary change shall submit to the board a petition to change
19 the terms of the permit or license as required to accomplish the
20 proposed temporary change. The petition for a temporary change
21 shall be filed by the permittee or licensee. If the proposed
22 temporary change is for the benefit of a contractor or user supplied
23 directly or indirectly by the permittee or licensee, the permittee or
24 licensee may authorize the contractor or user to participate as a
25 copetitioner. The permittee or licensee shall identify any
26 copetitioner in the petition.

27 (2) A contractor or user described in paragraph (1), whether or
28 not designated as a copetitioner, and the person to whom the water
29 is proposed to be transferred, shall be named as parties to the
30 proceeding, with the same rights to receive notices, respond to
31 board determinations, and petition for writ of mandate as the
32 petitioner.

33 (b) A petition shall include both of the following:

34 (1) Reference to the permit or license that serves as the basis
35 for the water transfer.

36 (2) A written description of the changes in water storage, timing,
37 and point of diversion, place and purpose of use, timing and point
38 of return flow, and water quality of instream flows that are likely
39 to occur as a result of the proposed temporary change.

1 (c) A petitioner shall provide a copy of the petition to the
2 Department of Fish and Wildlife, the board of supervisors of the
3 county or counties in which the petitioner currently stores or uses
4 the water subject to the petition, and the board of supervisors of
5 the county or counties to which the water is proposed to be
6 transferred.

7 (d) Within 10 days of the date of submission of a petition to the
8 board, the petitioner shall publish in not less than one newspaper
9 of general circulation, in the county or counties in which the
10 petitioner currently stores or uses the water subject to the petition,
11 a notice of the petition and a brief description of the terms of the
12 proposed temporary change. The board shall, in a timely manner,
13 provide to the petitioner a list of water right holders of record on
14 file with the board who may be affected by the transfer, and the
15 petitioner shall provide written notice to those water right holders
16 not later than 10 days after the date on which the petition is
17 submitted. The board shall post the notice of petition on its Internet
18 web site not later than 10 days after the date on which the petition
19 is submitted. The notice of the petition shall specify the date on
20 which comments are due. The board may impose on the petitioner
21 any other notice requirement it determines to be necessary.

22 (e) Within 10 days of the date of receipt of a petition, the board
23 shall commence an investigation of the proposed temporary change.
24 Pursuant to that investigation, the board shall determine if the
25 water proposed to be transferred would have been consumptively
26 used or stored pursuant to the petitioner's permit or license in the
27 absence of the proposed transfer or conserved pursuant to Section
28 1011. The board also shall evaluate the changes in water storage,
29 timing and point of diversion, place and purpose of use, timing
30 and point of return flow, water quality, and instream flows, and
31 other changes that are likely to occur as a result of the proposed
32 temporary change.

33 (f) Water users that may be affected by a proposed temporary
34 change and any other interested party may file a written comment
35 regarding a petition with the board. Comments shall be filed not
36 later than 30 days after the date that the notice was published
37 pursuant to subdivision (d). The board shall evaluate and take into
38 consideration all comments that are filed in a timely manner.

39 (g) (1) Except as specified in paragraphs (2) and (3), the board
40 shall render a decision on the petition not later than 35 days after

1 the date that investigation commenced or the date that the notice
2 was published, whichever is later. The board's decision shall be
3 in accordance with the substantive standards set forth in Section
4 1727. The board shall explain its decision in writing and shall send
5 copies of the decision to the petitioner, the Department of Fish and
6 Wildlife, the board of supervisors of the county or counties
7 described in subdivision (c), the proposed transferee, and any party
8 who has filed a written comment in accordance with subdivision
9 (f).

10 (2) If comments are filed in accordance with subdivision (f), or
11 for any other good cause, the board may extend the date of its
12 decision for up to 20 days.

13 (3) If the board or the petitioner determines that an additional
14 extension of time for a decision is necessary for the board to make
15 the findings required by Section 1727, or that a hearing is necessary
16 for the board to make those findings, the board may extend the
17 time for a decision with the consent of the petitioner. If the
18 petitioner agrees to a hearing, the board shall identify the issues
19 for which additional evidence is required and shall fix a time and
20 place for the hearing. The board shall provide notice of the time,
21 place, and subject matter of the hearing to the petitioner, the
22 Department of Fish and Wildlife, the board of supervisors of the
23 county or counties described in subdivision (c), the water right
24 holders of record identified pursuant to subdivision (d), the
25 proposed transferee, and any party who has filed a written comment
26 in accordance with subdivision (f).

27 ~~SEC. 19.~~

28 *SEC. 58.* Section 1727 of the Water Code is amended to read:

29 1727. (a) The board shall review a petition for a temporary
30 change of water rights in accordance with this section.

31 (b) The board shall approve a temporary change if it determines
32 that a preponderance of the evidence shows both of the following:

33 (1) The proposed temporary change would not injure any legal
34 user of the water, during any potential hydrologic condition that
35 the board determines is likely to occur during the proposed change,
36 through significant changes in water quantity, water quality, timing
37 of diversion or use, consumptive use of the water, or reduction in
38 return flows.

39 (2) The proposed temporary change would not unreasonably
40 affect fish, wildlife, or other instream beneficial uses.

1 (c) The petitioner shall have the burden of establishing that a
2 proposed temporary change would comply with paragraphs (1)
3 and (2) of subdivision (b). If the board determines that that
4 petitioner has established a prima facie case, the burden of proof
5 shall shift to any party that has filed a comment pursuant to
6 subdivision (f) of Section 1726 to prove that the proposed
7 temporary change would not comply with paragraphs (1) and (2)
8 of subdivision (b). The board may make a determination required
9 by this subdivision without a hearing.

10 (d) In reviewing a petition for a temporary change, the board
11 shall not modify any term or condition of the petitioner's permit
12 or license, including those terms that protect other legal users of
13 water, fish, wildlife, and other instream beneficial uses, except as
14 necessary to carry out the temporary change in accordance with
15 this article.

16 (e) In applying the standards set forth in paragraphs (1) and (2)
17 of subdivision (b), the board shall not deny, or place conditions
18 on, a temporary change to avoid or mitigate impacts that are not
19 caused by the temporary change. Neither the Department of Fish
20 and Wildlife, nor any other state agency that comments on the
21 proposed temporary change, shall propose conditions to mitigate
22 effects on fish, wildlife, or other instream beneficial uses that are
23 not caused by the proposed temporary change. This subdivision
24 does not limit the board, the Department of Fish and Wildlife, or
25 any other state agency, in proceedings pursuant to any provision
26 of law other than this article.

27 ~~SEC. 20.~~

28 *SEC. 59.* Section 1736 of the Water Code is amended to read:

29 1736. The board, after providing notice and opportunity for a
30 hearing, including, but not limited to, written notice to, and an
31 opportunity for review and recommendation by, the Department
32 of Fish and Wildlife, may approve such a petition for a long-term
33 transfer where the change would not result in substantial injury to
34 any legal user of water and would not unreasonably affect fish,
35 wildlife, or other instream beneficial uses.

36 ~~SEC. 21.~~

37 *SEC. 60.* Section 2863 of the Water Code is amended to read:

38 2863. All or any part of the money in the Water Resources
39 Control Board Revolving Fund may be drawn from the State
40 Treasury, upon appropriation by the Legislature, and used by the

- 1 board in paying costs of making determinations of water rights as
- 2 provided in this part.
- 3 ~~SEC. 22.~~
- 4 *SEC. 61.* Section 2866 of the Water Code is repealed.

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